IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8068 of 2005

Between:

S. Pandu S/o. Mallaiah, R/o. 8-37/4, Shantinagar, Miryalguda,

Nalgonda District.

..... PETITIONER

AND

1. The Andhra Pradesh State Road Transport Corporation,

Musheerabad, Hyderabad, rep. by its Vice Chairman &

Managing Director.

2 The Regional Manager, A.P.S.R.T.C. Nalgonda Region,

Nalgonda.

3 The Depot Manager, A.P.S.R.T.C. Miryalguda Bus Station,
Miryalguda, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ particularly one in the nature of writ Mandamus or any other appropriate writ declaring the tender Notification No. 02/122(15)/04-R.M, Nalgonda dt. 15-3-2005 in so far as changing the layout of the Bus Station, Miryalguda, Nalgonda District is illegal and arbitrary; and consequently set aside the Tender Notification No. 02/122(15)/04-R.M. Nalgonda dt. 15-3-2005 in so far as the location of the 4 shops of Miryalguda Bus Station.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondent Nos.1 to 4: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court at the admission stage made the following :

ORDER:

For declaring the tender Notification No.02/122(15)/04-R.M., Nalgonda dated 15-3-2005 in so far as changing the layout of the Bus Station, Miryalguda, Nalgonda District as illegal and arbitrary and consequently, to set aside the same in so far as the location of the four sops of Miryalguda Bus Station, the present writ petition is filed.

The petitioner became a highest bidder for shop No.8 in Miralguda Bus Station and deposited Rs.97,000/-, which is non-refundable. The licence will be in force till 31-3-2023. Later, he came to know that as per the tender notification dated 15-3-2005, the lay out of the Bus Station, Miryalguda has been changed, which is detrimental to his interest of running the business activities. Therefore, he purchased the tender schedule. The present lay out shows that four shops, which are now proposed, are abutting to his shop and thereby, changing the layout in such a way that four shops would abutting to road through which the vehicles enter and thereby causing hindrance to his business activity. When the licence is in force, the Regional Manager has no power or authority to change the layout and thereby adversely affecting his right. Hence, the present writ petition.

The learned counsel appearing for the petitioner contended that the petitioner invested huge amount towards non-refundable deposit on the ground that abutting to his shop, there is a vacant space, wherein the buses have to get

into the depot, thereby, his business would be more profitable and accordingly, became highest bidder, but, the present notification would clearly change the total lay out and thereby depriving the right of the petitioner in conducting the business and hence, he prays to set aside the same.

On the other hand, the learned Standing Counsel for the respondents contended that four more shops beyond shop No.8 are being constructed for providing some more amenities to the passengers and it is for the Corporation to decide the construction of shops and that no right of the petitioner has been infringed by constructing the shops and hence, there are no grounds to interfere with the impugned proceedings.

There cannot be any dispute that in contractual matters like tenders, the petitioner cannot have any right to challenge the same unless his case is discriminated or his case is unfairly treated by the respondents. Further, the petitioner is bound by the terms and conditions of the agreement dated 21-4-2003. It is not brought to the notice of this Court that the respondents have violated any one of the conditions. The respondents have got a right to construct any number of shops as they like depending upon the need they want and also to provide amenities to the public. Simply because, there is a vacant space available towards north side of the shop of the petitioner, that does not mean that the respondents have no authority to construct the shops in continuation of shop No.8. No right of the petitioner has been infringed. Therefore, there are no grounds to interfere with the notification dated 15-3-2005 issued by the respondents.

It seems, the petitioner gave a representation dated 05-04-2004 to the respondents. Therefore, it is for the respondents to take appropriate decision on the said representation.

Accordingly, the Writ Petition is disposed of with a direction to the respondents to take appropriate decision on the representation dated 05-4-2004 given by the petitioner, in accordance with the rules and regulations and the agreement dated 21-4-2003, within two weeks from the date of receipt of a copy of this order. No costs.

11-04-2005

To

1. The Vice Chairman & Managing Director, A.P.S.R.T.C,

Musheerabad, Hyderabad, rep. by its

2 The Regional Manager, A.P.S.R.T.C. Nalgonda Region,

Nalgonda.

3 The Depot Manager, A.P.S.R.T.C. Miryalguda Bus Station,
Miryalguda, Nalgonda District.

4. Two C.D. copies.

NOTE:

CC by two days.

(Bo)

sj